

AMENDED IN SENATE JANUARY 12, 2006

AMENDED IN SENATE JANUARY 9, 2006

Senate Constitutional Amendment

No. 7

Introduced by Senator Torlakson

February 15, 2005

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIX B thereof, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SCA 7, as amended, Torlakson. Transportation Investment Fund.

Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation for various transportation purposes. Article XIX B authorizes this transfer to the Transportation Investment Fund to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision.

This measure would ~~delete the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency~~ *make a nonsubstantive change to these provisions.*

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2005-06 Regular
3 Session commencing on the sixth day of December 2004,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:

7 That Section 1 of Article XIX B thereof is amended to read:

8 SECTION 1. (a) For the 2003–04 fiscal year and each fiscal
9 year thereafter, all moneys that are collected during the fiscal
10 year from taxes under the Sales and Use Tax Law (Part 1
11 (commencing with Section 6001) of Division 2 of the Revenue
12 and Taxation Code), or any successor to that law, upon the sale,
13 storage, use, or other consumption in this State of motor vehicle
14 fuel, and that are deposited in the General Fund of the State
15 pursuant to that law, shall be transferred to the Transportation
16 Investment Fund, which is hereby created in the State Treasury.

17 (b) (1) For the 2003–04 to 2007–08 fiscal years, inclusive,
18 moneys in the Transportation Investment Fund shall be allocated,
19 upon appropriation by the Legislature, in accordance with
20 Section 7104 of the Revenue and Taxation Code as that section
21 read on March 6, 2002.

22 (2) For the 2008–09 fiscal year and each fiscal year thereafter,
23 moneys in the Transportation Investment Fund shall be allocated
24 solely for the following purposes:

25 (A) Public transit and mass transportation.

26 (B) Transportation capital improvement projects, subject to the
27 laws governing the State Transportation Improvement Program,
28 or any successor to that program.

29 (C) Street and highway maintenance, rehabilitation,
30 reconstruction, or storm damage repair conducted by cities,
31 including a city and county.

32 (D) Street and highway maintenance, rehabilitation,
33 reconstruction, or storm damage repair conducted by counties,
34 including a city and county.

35 (c) For the 2008–09 fiscal year and each fiscal year thereafter,
36 moneys in the Transportation Investment Fund shall be allocated,
37 upon appropriation by the Legislature, as follows:

38 (A) Twenty percent of the moneys for the purposes set forth in
39 subparagraph (A) of paragraph (2) of subdivision (b).

1 (B) Forty percent of the moneys for the purposes set forth in
2 subparagraph (B) of paragraph (2) of subdivision (b).

3 (C) Twenty percent of the moneys for the purposes set forth in
4 subparagraph (C) of paragraph (2) of subdivision (b).

5 (D) Twenty percent of the moneys for the purpose set forth in
6 subparagraph (D) of paragraph (2) of subdivision (b).

7 (d) *The transfer of revenues from the General Fund of the*
8 *State to the Transportation Investment Fund pursuant to*
9 *subdivision (a) may be suspended, in whole or in part, for a*
10 *fiscal year if both of the following conditions are met:*

11 (1) *The Governor has issued a proclamation that declares that*
12 *the transfer of revenues pursuant to subdivision (a) will result in*
13 *a significant negative fiscal impact on the range of functions of*
14 *government funded by the General Fund of the State.*

15 (2) *The Legislature enacts by statute, pursuant to a bill passed*
16 *in each house of the Legislature by rollcall vote entered in the*
17 *journal, two-thirds of the membership concurring, a suspension*
18 *for that fiscal year of the transfer of revenues pursuant to*
19 *subdivision (a), provided that the bill does not contain any other*
20 *unrelated provision.*

21 (e) The Legislature may enact a statute that modifies the
22 percentage shares set forth in subdivision (c) by a bill passed in
23 each house of the Legislature by rollcall vote entered in the
24 journal, two-thirds of the membership concurring, provided that
25 the bill does not contain any other unrelated provision and that
26 the moneys described in subdivision (a) are expended solely for
27 the purposes set forth in paragraph (2) of subdivision (b).